



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JRE

Docket No: 8042-99

19 June 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were separated from the Navy on 20 August 1981 with a bad conduct discharge, pursuant to your conviction by general court-martial of multiple specifications of possession, transfer and sale of controlled substances. You had a prior conviction by special court-martial for similar offenses.

The Board was not persuaded that your bad conduct discharge was erroneous or unjust. It noted that you committed numerous, very serious offenses, for which you received appropriate punishment. The Board rejected your unsubstantiated contention to the effect that you received disparate treatment by the general court-martial convening authority as compared to others who committed similar offenses. It was unable to conclude that you were unfit by reason of physical disability at the time of your discharge, and it noted that your discharge pursuant to the sentence of a general court-martial would have precluded disability evaluation processing in your case even if you had been unfit for duty. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director